

IN RE: APPEAL OF MARIA CASTRO- RUIZ, RELATIVE TO A PROPERTY LOCATED AT 242 WARREN STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2023-31 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 13th day of November, 2023, a hearing having been held on October 11, 2023, upon the application of Maria Castro-Ruiz, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Maria Castro-Ruiz with a principal mailing address of 100 North Fifth Street, Apt. 1003, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 242 Warren Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, TD Management, LLC, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the Commercial Highway (CH) Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.
6. Applicant seeks a special exception under Sections 600-810.B(4)(d), 600-1202.D(2) and 600-1603.A(9) to establish a state licensed childcare center for up to forty-seven (47) children in a commercial unit of the building located at the Subject Property.
7. The Zoning Board rendered a Decision on September 14, 2022, for Appeal No. 2022-33 allowing the division of the Subject Property into two (2) separate commercial uses.
8. The proposed childcare center would utilize one of the two commercial spaces permitted by the 2022 Decision; the other commercial space is occupied by Shadow Tint, LLC.
9. Applicant states childcare will be provided for up to forty-seven (47) children ages infant through pre-school age with faculty and assistants as required by State guidelines per shift.
10. Applicant understands she must first receive the required licenses from the Pennsylvania Department of Human Services and other agencies before she can operate the childcare facility.
11. Applicant understands the number of children she will be caring for as well as employees depends on the approvals from the State.
12. Applicant will have two shifts and the total hours of operation will be from 5:30 a.m. to 11:30 p.m., prevailing time, Monday through Friday.
13. Applicant will have five (5) to six (6) employees per shift as required by State guidelines.
14. The childcare center will contain separate spaces for the care of infants, toddler and pre-school students and will include a kitchenette, toilet rooms, storage space, office areas, and secure reception and waiting areas.

15. There will be a fenced outdoor play area in the rear of the Subject Property and the Subject Property is within walking distance to the Stonecliffe Recreation Area.

16. The parking lot on the Subject Property is shared with the other commercial unit and there are a total of eighteen (18) parking spaces and two (2) ADA compliant spaces on the Subject Property.

17. Section 600-1603.A(9) requires one parking space per twelve (12) children and one parking space per two (2) employees so a minimum of seven (7) spaces is required.

18. Applicant states the existing parking is adequate to serve Applicant's proposed use as well as the business in the other commercial unit on the Subject Property.

19. Applicant states there will be a secure drop-off and pickup area with safety precautions in place including rules that parents or caregivers will pickup and drop off the children so they will not be walking through the parking lot at any time.

20. Applicant states she will have security cameras and secure lockouts so employees and customers from the tinting business in the other commercial unit cannot gain access to the childcare center.

21. There were no objections to the proposed relief.

22. The Zoning Board finds the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood and will improve the neighborhood in general.

DISCUSSION

Applicant seeks a special exception under Sections 600-810.B(4)(d), 600-1202.D(2) and 600-1603.A(9) to establish a state licensed childcare center for up to forty-seven (47) children in a commercial unit area of the building located at the Subject Property. The Subject Property is located in the Commercial Highway (CH) Zoning District. Applicant's proposed use complies with the

requirements of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Maria Castro-Ruiz.
2. The Subject Property is located at 242 Warren Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Highway (CH) Zoning District.
4. Applicant seeks a special exception under Sections 600-810.B(4)(d), 600-1202.D(2) and 600-1603.A(9) to establish a state licensed childcare center for up to forty-seven (47) children in a commercial unit of the building located at the Subject Property.
5. The Zoning Board is permitted to grant applications for special exceptions and/or variances as set forth in the Zoning Ordinance.
6. In order to grant the special exception and/or variance, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
7. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
8. After reviewing the Applicant's request in detail, the Zoning Board enters the following Decision:
 - a. Applicant is granted a special exception for a childcare facility for up to forty-seven (47) children subject to the hereinafter set forth conditions.
 - b. Electronic security doors, gates and cameras shall be installed on the inside and outside of the Subject Property, including the outdoor play area.
 - c. A lighting plan in accordance with Section 600-912 of the Zoning Ordinance shall be submitted for approval by the Zoning Administrator.

- d. The parking lot shall be clearly marked for the pickup and drop off of the children.
- e. Applicant shall comply with all applicable State requirements for a licensed childcare center with forty-seven (47) children and a copy of the required PA Department of Human Services License shall be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy.
- f. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.
- g. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.
- h. Signage at the Subject Property shall comply with Section 600-1703 of the Zoning Ordinance. If Applicant does not provide sign drawings and specifications, then a separate zoning permit shall be required prior to the installation of the signage.
- i. Applicant shall comply with all pertinent provisions for a commercial daycare use as specified by the Zoning Ordinance.
- j. Architectural plans, rendering and/or elevations shall be submitted in order to demonstrate compliance with building code requirements.
- k. All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements. If required by the Department of Public Works, sewer planning modules shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Pennsylvania Department of Environmental Protection, and other agencies with jurisdiction.

l. All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the water supply improvements.

m. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.

n. Applicant must comply with all relevant building and occupancy codes as well as the plans and testimony submitted before the Zoning Board.

o. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

p. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 5 to 0 .

**ZONING HEARING BOARD OF THE
CITY OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST

/s/ Jared Barcz

JARED BARCZ